

DOGS IN THE FIELD

In 1919, North Dakota legislators outlawed the use of dogs for hunting upland game birds.

Today, during a time when many hunters own dogs, and a good share of those who don't own dogs are thinking about getting one, it seems a drastic move that is difficult to understand.

On the other hand, North Dakota's wildlife picture was much different 90 years ago. Following decimation of big game populations by the late 1880s, prairie chickens, sharp-tailed grouse and waterfowl were about the only things left to hunt in North Dakota. Up until 1910 or so, prairie chickens seemed an inexhaustible resource, but later in the decade their numbers had dwindled to a point where people demanded action.

This same sense of urgency also led to the introduction of ring-necked pheasants and Hungarian partridge, but legislators felt eliminating use of dogs would reduce harvest and give upland game birds more of a chance. The law did not apply to waterfowl hunting.

In addition, according to the second edition of the book "Feathers from the Prairie," published by the Game and Fish Department in 1989:

"... wealthy eastern and southern nonresident professional dog trainers traveled great distances to work their purebred dogs on prairie chickens and waterfowl. The general public was critical, perhaps jealous, of these groups of men and hastened to pass laws curtailing their activities."

The general consensus of the North Dakota citizenry at the time is summed up in "Feathers from the Prairie," by H.V. Williams of Grafton, who was a prominent taxidermist and conservationist:

"During the years when the hunting dog was used the chicken decreased in numbers quite noticeably until they became very scarce. Added to the dog was the increase in the acreage of land put under cultivation, causing the destruction of their nesting grounds; but since the dog was prohibited and with the increase in the growing of alfalfa and like crops, this grand bird has made great strides towards increasing and is now rapidly coming back to former numbers ... the state legislature passed the law prohibiting the use of so-called bird dogs and limiting the bag to five birds a day, and this fact alone meant the salvation of the Pinnated Grouse, which had no show whatsoever against the combination of dog and magazine shotgun."

The North Dakota Game and Fish Board of Control, which was reorganized to become the state Game and Fish Department in 1930, had this to say in its 1919-20 biennial report:

"It is conceded by everybody that the grouse and prairie chickens were never more plentiful than they were the past two seasons and all true sportsmen together with a good many of those who at first opposed the law now are agreed that the bill cutting out the use of dogs was one of the most far-sighted pieces of legislation ever passed by a North Dakota legislative assembly for the conservation of game and should never be repealed if we want the growing generations to enjoy this game bird."

Keep in mind, this passage was written some 20 years before the Game and Fish Department hired its first college-educated wildlife biologist. Almost certainly, H.V. Williams' reference to the amount of land put under cultivation was primarily responsible for the prairie chicken and sharp-tailed grouse population decline.

In time, wildlife professionals eventually convinced legislators and citizens that habitat destruction was the real culprit in game bird population declines and that dogs were a conservation benefit, rather than a detriment, because of the wounded birds they could recover.

In 1933 state law was changed to allow spaniels or retrievers to retrieve (but not point or flush) upland game birds for hunters. Pointers and setters were still not allowed in the field at all.

In 1943, when North Dakota was the only state in the country where dogs were illegal, the legislature repealed the prohibition. This came at a time when pheasant and partridge populations were exploding and hunting opportunities were once again plentiful, even though prairie chickens were almost down to their last hunting season.

For a couple of years before that, Game and Fish Department administrators openly lobbied for the legislature to overturn the law, citing the dog's role in recovering wounded birds as important to conservation. Game and Fish deputy commissioner J.E. Campbell wrote in *North Dakota OUTDOORS* in December, 1942:

"... will any right-minded individual put forth just one good and sufficient reason why any sportsman should be deprived of the use of his dog in helping him secure his daily bag limit?"

Since 1943, the use of dogs for hunting has not been an issue. Wildlife management now focuses on habitat, and hunting seasons and bag limits are developed based on scientific research. Dogs are welcomed and revered partners that truly do add to the hunting experience.

What has resurfaced as an issue, however, is the aspect of dog training in the field, both by professionals and individuals, as well as field trials or competitions. It's not that these activities are necessarily harming local bird populations, but they have generated numerous complaints in recent years because of their perceived impact on public wildlife and other resources.

In the early 1900s, because of its plentiful upland game, North Dakota was a destination for professional dog trainers. Long before outlawing dogs for hunting, the state legislature restricted when individuals and professionals could have their dogs in the field. At first it was April or May through August 15.

The obvious reason for this is so dogs are not interfering with upland game or waterfowl breeding and brood-rearing. After mid-August, most upland game broods can fly and escape working dogs.

The 1919 law that banned use of dogs for upland game hunting also prohibited dogs in the field between April 1 and November 1, which effectively eliminated dog training.

In the years since, rules for dogs in the field have changed. The legislature relaxed the date on which dogs were again allowed in the field, first to August 1, then to July 14 in 1967. In 1975 the legislature established most of the current laws relating to hunting dog training. These include:

- Professional trainers are not allowed in the field between April 1 and July 14.
- Individuals may train their dogs from April 1-July 14, provided they have permission from private landowners; no wild birds are captured or killed; and the training is not on a state wildlife management area or federal waterfowl production area.
- Individuals may train dogs on state wildlife management areas after August 15, but professional trainers are not allowed on WMAs. Field trials on WMAs require a Game and Fish Department permit.

An individual dog owner or trainer can release pen-raised birds outside of proclaimed hunting seasons, but only as prescribed by Department rules and regulations. The same is true for some trials.

However, nowadays pheasants especially are so widespread that just about anywhere that pen-raised birds are released there is a chance of wild birds in the vicinity. While people must mark the released birds with colored, fluorescent ribbons attached to legs that are easily identified in flight, it is well known by game wardens and biologists that a small number of wild birds are



CRAIG BIRNLE

It's hard to believe, but there was a time in North Dakota when it was against the law to use dogs when hunting upland game birds.

accidentally taken during personal and professional training exercises, and during field trials.

The concern is that wild birds are public resources and should not be at risk outside of a state-regulated hunting season, particularly by large-scale commercial ventures that are again settled on North Dakota as a prime location for dog training.

Game and Fish has for many years allowed field trials on a few designated wildlife management areas, but has received complaints from people who were disappointed to find one of these WMAs crowded with dog trial competitors on an opening day of a season.

The message in this Both Sides essay is simply to communicate that the Game and Fish Department is aware of these concerns. Agency administrators are looking into the extent of the concerns to determine if changes in current policy are warranted.

What do you think? To pass along your comments, send us an email at ndgf@nd.gov; call us at 701-328-6300; or write North Dakota Game and Fish Department, 100 N. Bismarck Expressway, Bismarck, ND 58501.